

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	MAIL STOP AF
)	
Sergey BRIN et al.)	Group Art Unit: 2166
)	
Application No.: 10/629,479)	Examiner: L. Harper
)	
Filed: July 28, 2003)	
)	
For: SYSTEM AND METHOD FOR)	
PROVIDING A USER INTERFACE)	
WITH SEARCH QUERY)	
BROADENING)	

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants respectfully request review of the final Office Action, dated June 24, 2009, in view of the Remarks below and in conjunction with the Notice of Appeal filed concurrently with this request.

Claims 37-45, 49, 51-57, 63-74, and 77-89 are pending in this application. The Examiner rejected claims 37-45, 49, 51-57, 63-74, and 77-89 under 35 U.S.C. § 103(a) as allegedly unpatentable over the U.S. Patent Application Publication No. 2003/0212666 to Basu (hereinafter "BASU") in view of U.S. Patent No. 6,243,713 to Nelson (hereinafter "NELSON"). Applicants respectfully request review of the final rejection based on the reasons summarized below. In the interest of conciseness, and as set forth in the Pre-Appeal Brief Conference guidelines, Applicants refer to arguments already of record, rather than repeating the arguments in full in the present Request. Applicants provide additional arguments to address the allegations made by the Examiner in the Advisory Action, dated September 10, 2009 (hereinafter "Advisory Action").

The rejection of claims 37-45, 49, 51-57, 63-74, and 77-89 under 35 U.S.C. § 103(a) based on BASU and NELSON should be withdrawn, because the rejection contains *factual deficiencies* with respect to the alleged teachings of BASU and NELSON.

With respect to independent claim 37, BASU and NELSON do not disclose or suggest, for example, broadening, using one or more processors associated with a computer system, one of the search terms based on a plurality of user-selected operators to produce a broadened search query, where broadening the one of the search terms comprises broadening the one of the search terms to an extent determined by a number of times the same operator is repeated, as recited in claim 37. The Examiner admits that BASU does not disclose this feature and relies on col. 7, lines 15-25 of NELSON for

allegedly disclosing this feature (final Office Action, p. 3). Applicants explained that col. 7, lines 15-25 of NELSON do not disclose or suggest that a query operator is repeated, let alone that a broadening of one of the search terms is done to an extent determined by a number of times a query operator is repeated (see, e.g., arguments at pp. 18-22 of the Amendment After Final filed August 24, 2009 (hereinafter "Amendment"))).

In the Advisory Action, dated September 10, 2009, the Examiner alleges that, in NELSON, the extent of the broadening is determined by a number of times the operator is repeated, because if the operator is not included (i.e. appears 0 times), there is no broadening, and if the operator is included (i.e. appears 1 time), there is broadening (Advisory Action, first paragraph). This interpretation cannot reasonably be applied to claim 37, because claim 37 clearly recites "a same operator repeated multiple times" (claim 37, line 6). "Multiple times" means more than one time. NELSON does not disclose or suggest that the broadening operator appears more than once. Thus, the Examiner's allegation lacks merit.

With respect to the reasons for combining BASU and NELSON, Applicants explained that the Examiner's allegation, that NELSON's teaching would enable users of the BASU system to "have operators different from other operator along with the ability to index results and database data," is insufficient for establishing a prima facie case of obviousness with respect to claim 37, as the Examiner did not provide any articulated reasoning with some rational underpinning to support the legal conclusion of obviousness (see, e.g., the arguments at pp. 20-22 of the Amendment).

In the Advisory Action, the Examiner alleges that the Courts do not require an explicit motivation (Advisory Action, fifth paragraph). Applicants respectfully submit that Applicants have not asked for an explicit motivation to combine. Rather, Applicants asked for an explicit analysis, as required by KSR, meaning that the Examiner must provide a rationale, along with specific findings required by the rationale, as to how and why BASU and NELSON would be combined to arrive at the features of claim 37 (see M.P.E.P. § 2143). An alleged benefit resulting from combining BASU and NELSON, as provided by the Examiner, does not satisfy this requirement for an explicit analysis.

For at least the foregoing reasons, the rejection of claim 37 under 35 U.S.C. § 103(a) based on BASU and NELSON should be withdrawn. Claims 38 and 40-45 depend from claim 37, and thus the rejection of these claims should be withdrawn for at least the same reasons as claim 37.

With respect to independent claim 39, BASU and NELSON do not disclose or suggest excluding, using one or more processors associated with a computer system, a broadened one of a plurality of search terms from a search query, as recited in claim 39. The Examiner relies on paragraphs [0043] and [0004] of BASU for allegedly disclosing the features of claim 39 (final Office Action, p. 4). Applicants explained that paragraph [0043] of BASU does not disclose or suggest, mapping a search term to an

additional search term, and then excluding that search term and the additional search term from the search query, as would be required by claim 39 based on the Examiner's interpretation of BASU. Applicants further explained that paragraph [0004] of BASU does not disclose or suggest broadening a search term, let alone excluding a broadened search term from a search query, and that NELSON does not overcome these deficiencies of BASU with respect to claim 39 (see, e.g., the arguments at pp. 22-26 of the Amendment).

In the Advisory Action, the Examiner alleges that "excluding a term" means not using or removing a term from a search query, and that the references disclose that terms from sub-queries do not have to be used. The Examiner further alleges that queries are based on both subjective and objective interpretations, based on learned user preferences, and that subjective definitions result in possible exclusion of terms. The Examiner relies on paragraph [0033] of BASU for supporting this allegation (Advisory Action, sixth paragraph).

Applicants respectfully submit that paragraph [0033] of BASU does not disclose or suggest that "subjective definitions results in possible exclusion of terms." This section of BASU also does not disclose or suggest that "terms from sub-queries do not have to be used." Therefore, this section (or any other section) of BASU does not support the Examiner's allegations.

Furthermore, even if it assumed, for the sake of argument, that BASU does disclose that terms from sub-queries do not have to be used, this does not correspond to the specifically recited feature of excluding a search term that has been broadened from a search query, as recited in claim 39, because a sub-query of BASU does not correspond to one of the search terms of the search query. Rather, a sub-query of BASU is derived from a search term. For example, the query "beach" is expanded to the sub-queries "sky," "water," and "sand" (see paragraph [0041] of BASU). Therefore, not using "sky," "water," or "sand" would not correspond to excluding "beach" from the original query.

For at least the foregoing reasons, the rejection of claim 39 under 35 U.S.C. § 103(a) based on BASU and NELSON should be withdrawn. Claims 77-79 depend from claim 39, and thus the rejection of these claims should be withdrawn for at least the same reasons as claim 39.

Independent claims 49 and 65 recite features similar to features discussed above with respect to claim 37, and thus the rejection of these claims should be withdrawn for at least reasons similar to the reasons given for claim 37. Claims 51-57 and 63-64 depend from claim 49, and thus the rejection of these claims should be withdrawn for at least the same reasons as claim 49. Claims 66-74 depend from claim 65, and thus the rejection of these claims should be withdrawn for at least the same reasons as claim 65.

With respect to independent claim 80, BASU and NELSON do not disclose or suggest presenting, using a network interface associated with a computer system, a set of broadened search terms

(obtained based on a received search term) as a set of corresponding hyperlinks in a user interface, as recited in claim 80. The Examiner appears to rely on paragraphs [0033] and [0038] of BASU for allegedly disclosing this feature (final Office Action, p. 11). Applicants explained that paragraphs [0033] and [0038] of BASU do not disclose or suggest presenting a set of broadened terms to a user, let alone presenting a set of broadened terms as a set of corresponding hyperlinks. Applicant also explained that NELSON does not overcome the deficiencies of BASU set forth above with respect to claim 80 (see, e.g., the arguments at pp. 28-31 of the Amendment).

In the Response to Arguments section of the final Office Action, the Examiner alleges that any time a user is in charge or is able to make the selection to broaden a search that the user is selecting a link and that paragraph [0042] of BASU discloses presenting at least one broadened search characteristic associated with one of the search terms as a hyperlink (final Office Action, p. 20). In response, Applicants explained that claim 80 does not simply recite selecting a link to broaden a search and that the Examiner's boiling down of the specifically-recited language of claim 80 to correspond to "making a selection to broaden a search" is impermissible. Applicants also explained that paragraph [0042] of BASU does not disclose or suggest presenting a set of broadened terms to a user, let alone presenting a set of broadened terms as a set of corresponding hyperlinks. Rather, this section of BASU merely discloses that query expansion can be user-supervised. A user supervising a query expansion does not imply that the user is presented with a set of broadened search terms as a set of hyperlinks (and that the user can select specific search terms by selecting the hyperlinks).

In the Advisory Action, the Examiner alleges that paragraph [0048] of BASU discloses that representations may be visual, motion, or audio (Advisory Action, paragraph 7). Applicants respectfully submit that this allegation does not address the above-noted feature of claim 80.

For at least the foregoing reasons, the rejection of claim 80 under 35 U.S.C. § 103(a) based on BASU and NELSON should be withdrawn. Claims 81-84 depend from claim 80, and thus the rejection of these claims should be withdrawn for at least the same reasons as claim 80.

The Examiner did not address claim 85. Nevertheless, Applicants explained that BASU and NELSON do not disclose or suggest receiving, using a network interface associated with a computer system, a selection of a subset of a set of checkboxes to select a subset of a set of broadened search terms and broadening, using one or more processors associated with the computer system, a search query using the selected subset of broadened search terms, as recited in claim 85 (see, e.g., the arguments at pp. 32-34 of the Amendment).

In the Advisory Action, the Examiner alleges: "In this case the user makes the selection of search terms to be used in the expansion of broadening since the checkboxes as claimed are presented along with

the search terms. As disclosed in the Prior art there are terms to be selected and weighing (see paragraph [0010] of BASU).

Applicants respectfully submit that paragraph [0010] of BASU is part of the background of BASU and describes an article by Yonggang Qiu, which describes a probabilistic expansion model and discusses a selection and weighing of additional search terms. At the outset, Applicants respectfully submit that this section of BASU is unrelated to the other sections of BASU on which the Examiner relies in the rejection. The Examiner has not provided any rationale for combining this section of BASU with the other sections of BASU, as would be required in a proper 35 U.S.C. § 103 rejection that combines unrelated sections of a reference. Nevertheless, this section of BASU does not disclose or suggest that the selection and weighing of additional search terms is performed by a user, let alone receiving a selection of a subset of a set of checkboxes. Therefore, this section of BASU does not disclose or suggest receiving, using a network interface associated with a computer system, a selection of a subset of a set of checkboxes to select a subset of a set of broadened search terms and broadening, using one or more processors associated with the computer system, a search query using the selected subset of broadened search terms, as recited in claim 85.

For at least the foregoing reasons, the rejection of claim 85 under 35 U.S.C. § 103(a) based on BASU and NELSON should be withdrawn. Claims 86-89 depend from claim 85, and thus the rejection of these claims should be withdrawn for at least the same reasons as claim 85.

In view of the foregoing remarks, Applicants submit that clear ***factual deficiencies*** exist with respect to the rejections of claims 37-45, 49, 51-57, 63-74, and 77-89. Therefore, Applicants respectfully request withdrawal of the outstanding rejection of claims 37-45, 49, 51-57, 63-74, and 77-89 and the timely allowance of this application.

Respectfully submitted,

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